

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NICK GIOIA, et al.,

Plaintiffs,

-against-

PROJECT VERITAS, et al.,

Defendants.

**ORDER**

22-CV-06710 (PMH)

PHILIP M. HALPERN, United States District Judge:

On or about August 9, 2022, plaintiffs Nick Gioia, Dan Schuy, and Antonietta Zappier commenced the instant action against defendant Project Veritas. (Docs. 1, 4, 7).


On September 22, 2022, a First Amended Complaint was filed, which, *inter alia*, added S2 HR Solutions 1A, LLC as a defendant. (Doc. 16). On September 23, 2022, the Clerk of Court issued a summons as to S2 HR Solutions 1A, LLC. (Doc. 21). There is no indication on the docket that defendant has been served, and defendant has not appeared in this case.

On December 14, 2022, during a pre-motion conference, plaintiffs' counsel advised the Court that it was engaged in settlement negotiations with defendant S2 HR Solutions 1A, LLC. The Court directed plaintiffs to forthwith file proof of service and an order and stipulation providing for an extension of time for S2 HR Solution 1A, LLC to answer or otherwise respond to the amended complaint as indicated in plaintiff's letter (Doc. 37). (Doc. 38). The Court further directed that should plaintiffs effectuate a settlement with S2 HR Solution 1A, LLC, an order and stipulation of dismissal as to that defendant was to be filed by December 21, 2022. No order and stipulation, proof of service, or any other communication, has been filed to date.

Accordingly, pursuant to Fed. R. Civ. P. 4(m), the Court will dismiss without prejudice defendant S2 HR Solution 1A, LLC unless, on or before December 30, 2022, plaintiffs either: (i) file to the ECF docket proof of service, indicating defendant S2 HR Solution 1A, LLC was served on or before December 21, 2022; or (ii) show good cause in writing for the failure to comply with Fed. R. Civ. P. 4(m) and the Court's orders.

**SO ORDERED:**

Dated: White Plains, New York  
December 23, 2022

  
\_\_\_\_\_  
Philip M. Halpern  
United States District Judge